

REMARKS

Independent claims 1, 7, 14, 22, 37 and 40 stand rejected under 35 U.S.C. § 102(b) over patent to Starkweather (U.S. Patent No. 5,694,227). Claim 1 calls for a method that includes receiving a graphical object *together with associated image information relating to a condition of an image sensor during capture of the graphical object*. Unlike the claimed invention in claim 1, receipt of the display image data together with the calibration data relating to a condition of image sensor during capture of the image is not identically disclosed by Starkweather. Therefore, the Examiner is respectfully requested to reconsider the § 102 rejection of independent claim 1 and the associated dependent claims.

Instead, in the Starkweather reference, during sensor 20 calibration, a known color sample is used as article 18. Calibration of the sensor 20 is effectuated by sampling the article 18 containing a color standard, such as white, that has known colorimetric data. This calibration data sampled from the color standard is stored as sensor characteristics data. The sensor characteristic data is used when color space data as collected from the sensor 20 is converted to device profile data and stored in device profile. New display image data (the graphical object) that is subsequently designated for output is then processed using the sensor characteristic data (associated image information) in the device profile. See col. 7, lines 50 – 51, lines 67 through col. 8 lines 7, lines 24 – 26.

In fact, there is no teaching whatsoever that the display image data is received together with the calibration data or that the sensor characteristic data relates to a condition of an image sensor during capture of the display image data. Accordingly, in the Starkweather reference, the display image data (the graphical object) is neither received together with the sensor characteristic data (associated image information) nor that sensor characteristic data (associated image information) relates to a condition of an image sensor during capture of the display image data (the graphical object), enough to negate anticipation of independent claim 1.

In this way, the Starkweather reference fails to generate a device profile based on the claimed associated image information and cannot identify such device profile to a color management system, as claimed in claim 1. Support for receiving a graphical object together with associated image information may be found in Applicants' specification at page 4, lines 28 through page 5, line 5, and Figure 3. Likewise, support for the associated image information that

relates to a condition of an image sensor during capture of the graphical object may be found at page 5, lines 29 through page 6 line 7 and on page 6 lines 21-26. Claim 1 and the claims depending therefrom are in condition for allowance, which is respectfully requested.

For the similar reasons as set forth in the context of claim 1, independent claims 7, 37, and 40 are in condition for allowance. In addition, patentability of independent claims 14 and 22 is not defeated for lack of novelty in view of the Starkweather reference either. For this reason alone, therefore, the § 102 rejection of independent claims 14 and 22 should be withdrawn, paving the way to their allowance along with the respective dependent claims.

Claims 15 and 21 stand rejected under 35 U.S.C. § 103(a) over Starkweather and further in view of Hayes, Jr. et al. (U.S. Patent No. 6,283,858 and hereinafter, "Hayes"). However, in the proposed combination of the cited references on which the rejection is based, i.e., considered either alone or in combination, the Starkweather and the cited references fail to teach the claimed limitations in claims 15 and 21 for at least the same reasons that are indicated in the context of claim 1. With respect to claim 22, which stands rejected over further in view of patent to Edge (U.S. Patent No. 6,088,038), whether considered together or separately, again the cited references fail to teach or suggest the claimed limitations in claim 22 based on the analysis applied to claim 1. The Applicant respectfully submits that the test for obviousness is not met in either case, failing to render the claims 15, 21, and 22 obvious in a *prima facie* manner.

Claims 1, 7, 14, 22, 37, and 40 were rejected under 35 U.S.C. § 112, first paragraph. Support for the missing claimed subject matter on which the rejection is based may be found in the Applicant's specification. For example, on page 4, lines 28 through page 5, line 5 and Figure 3, camera 202 may associate (e.g., store) profile information with each image *at the time the image is captured*. On page 6, lines 21-26, one method to *dynamically generate a device profile* is illustrated in FIG. 4. First, *camera 202 captures an image in a file, including therein profile data in accordance with FIG. 3 and Table 1* (step 400). At some later time, *the image file may be transferred to computer system 200* (step 402). Computer system 200 *may then use the image file's profile information 300 portion to generate a profile file in accordance with the ICC profile specification* (step 404). On page 5, lines 29 through page 6 line 7, illuminant tag information such as the mediaWhitePointTag may be used to *record the XYZ* (e.g., the PCS color space) *values of the capture media's (e.g., digital "film") white point*. The viewingConditionsType

attribute may record the illuminant condition under which an image is captured such as whether it was taken under daylight, tungsten, or fluorescent lighting conditions.


Based on the new citations set forth above from the Applicant's specification, withdrawal of the § 112 rejection of claims 1, 7, 14, 22, 37, and 40 is respectfully requested. The Examiner is requested to reconsider all of the pending claims.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested. The Commissioner is authorized to charge any additional fees, or credit any overpayment to Deposit Account No. 20-1504 (ITL.0055US).

Respectfully submitted,

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